

REMARKS / DISCUSSION OF ISSUES

Claims 1-2, 4-6, and 8-20 are pending in the application; claims 21-22 are cancelled herein.

The Office action rejects claims 1, 2, 4, 8, 9, and 15 under 35 U.S.C. 103(a) over Ganek et al. (USP 5,682,597, hereinafter Ganek) and Igawa et al. (USP 7,100,192, hereinafter Igawa). The applicant respectfully traverses this rejection.

The combination of Ganek and Igawa fails to teach controlling and managing each of a plurality of broadcasting sources of the same video program and shifted with respect to time only in the case of receiving a request for the video program, as claimed in independent claim 1, upon which claims 2 and 4-6 depend, and as claimed in independent claim 8.

In like manner, the combination of Ganek and Igawa fails to teach identifying a select source of the plurality of sources that provide a video stream at differing temporal shifts, and enabling the select source to provide the video stream based on a request for the video stream, as claimed in each of independent claims 9 and 15.

The Office action asserts that Ganek teaches control of the broadcast sources only in the case of receiving a request for the program. The applicant respectfully disagrees with this assertion.

Ganek teaches the transmission of the same video signal staggered in time (Near Video on Demand signals NVOD<sub>A1</sub>, NVOD<sub>A2</sub>, etc.), but does not teach that these NVOD transmissions are based on a request for the video stream. Contrarily, Ganek teaches that these signals are continuously transmitted:

"the present invention employs a server operating in NVOD mode, i.e., wherein multiple copies of each program are *continuously* sent on separate channels" (Ganek, column 1, lines 42-44, emphasis added).

Ganek teaches the use of additional "User Channels" upon which a beginning segment of a program is sent upon receipt of a request for the program (Ganek's FIG. 3, block 430). As illustrated in Ganek's FIG. 4, the output to the TV 195 is from either the USERCHAN tuner 410, or the NVOD tuner 420. At the time that the beginning segment is sent, the receiving system is controlled to start recording the broadcast of the program on the most recent NVOD channel into buffer 180 (Ganek, column 4, lines 49-66; FIG. 3, block 440). When the end of the beginning segment on the USERCHAN is reached, the recorded NVOD data in the buffer 180 is appropriately 'spliced' into the display video stream, for uninterrupted viewing of the program (Ganek, column 5, lines 8-15; FIG. 3, block 450).

Because Ganek does not teach controlling the broadcast of a video stream at time-shifted intervals based on a request for the video stream, the applicant respectfully maintains that the rejection of claims 1, 2, 4, 8, 9, and 15 under 35 U.S.C. 103(a) that relies on Ganek for this teaching is unfounded, and should be withdrawn.

The Office action rejects:

claims 5, 6, 13, and 19 under 35 U.S.C. 103(a) over Ganek, Igawa, and O'Callaghan et al. (USP 5,477,263);

claims 10-12 and 16-18 under 35 U.S.C. 103(a) over Ganek, Igawa, and Rao (USP 7,278,152); and

claims 14 and 20 under 35 U.S.C. 103(a) over Ganek, Igawa, O'Callaghan, and Rao. The applicant respectfully traverses these rejections.

Claims 5-6, 10-14, and 16-20 are dependent upon independent claims 1, 9, and 15, respectively, and in this rejection, the Office action relies on the combination of Ganek and Igawa for teaching the elements of these independent claims. As noted above, the combination of Ganek and Igawa fails to teach the elements of claims 1, 9, and 15; accordingly, the applicant respectfully maintains that the rejections of claims 5-6, 10-14, and 16-20 under 35 U.S.C. 103(a) is unfounded, and should be withdrawn.

In view of the foregoing, the applicant respectfully requests that the Examiner withdraw the objection(s) and/or rejection(s) of record, allow all the pending claims, and find the application to be in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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